

KAZEROUNI LAW GROUP, APC
 Abbas Kazerounian, Esq. (SBN: 249203)
 ak@kazlg.com
 Jason A. Ibey Esq. (SBN: 284607)
 jason@kazlg.com
 245 Fischer Avenue, Suite D1
 Costa Mesa, CA 92626
 Telephone: (800) 400-6808
 Facsimile: (800) 520-5523
 [Additional Counsel On Signature Page]

Attorneys for the Plaintiff and Proposed
 Settlement Class

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

**CARRIE COUSER,
 INDIVIDUALLY AND ON
 BEHALF OF ALL OTHERS
 SIMILARLY SITUATED**

PLAINTIFF,

V.

COMENITY BANK,

DEFENDANT.

Case No.: 12-CV-02484-MMA-BGS

**DECLARATION OF CARRIE
 COUSER IN SUPPORT OF
 MOTION FOR
 PRELIMINARY APPROVAL
 OF CLASS ACTION
 SETTLEMENT AND
 CERTIFICATION OF
 SETTLEMENT CLASS**

DECLARATION OF CARRIE COUSER**I, CARRIE COUSER, declare:**

1. I am the named Plaintiff in this above-captioned putative class action against Comenity Bank ("Defendant"). If called as a witness, I would competently testify to the matters herein from personal knowledge.
2. I am filing this declaration in support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class.
3. I, through my counsel, commenced this Action on October 12, 2012 against Defendant by filing a putative class action complaint asserting causes of action for: (1) negligent violation of Section 227(b)(3)(B) of the Telephone Consumer Protection Act ("TCPA"), codified at 47 U.S.C. § 227 et seq., and (2) willful violation of Section 227(b)(3)(B) of the TCPA (the "Complaint"). The Complaint alleges that Defendant violated the TCPA by calling cellular telephone numbers using an automatic telephone dialing system without prior express consent.
4. I have agreed to a class settlement with Defendant. I have reviewed the Settlement Agreement and have discussed the Settlement with my counsel. I believe the settlement is fair and reasonable, taking into account the sharply contested issues, as well as the risks, uncertainty, and costs of further litigation. I request the Court to approve the Settlement.
5. I am willing to serve as a Class Representative and desire to be appointed as such for purposes of the Settlement. I understand the obligations of serving as Class Representative, have, and will adequately, represent the interests of the putative class, and I have retained experienced counsel. I understand my tasks as a class representative and I have participated throughout this litigation in the belief I was helping all other persons similarly situated. I met with my attorneys for the initial consultation, participated in calls regarding fact-finding efforts with my attorneys, made myself available

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Costa Mesa, California

telephonically for the mediations sessions in this case, and submit this declaration in support of preliminary approval.

6. I understand that my attorneys have requested that the class representative be awarded an incentive payment of up to a total of \$1,500 to be paid from the Settlement Fund. I understand that any such award has to be approved by the Court.

7. I support my attorneys Hyde & Swigart, Kazerouni Law Group, APC and The Law Offices of Todd M. Friedman, P.C.'s request to be confirmed as Class Counsel for purposes of this action and proceeding with the settlement.

8. I am unaware of any legal differences in my status as a Settlement Class Member from the other Settlement Class Members, nor of any unique factual issues pertaining to such representative status that must be litigated. To my knowledge, I have no conflict with the other Settlement Class Members or with my attorneys in this case.

9. The claims which I have asserted in the Complaint seem to me to be the same as the claims of the other Settlement Class Members, and my claims relate to the same issue of law and fact as the other class claims.

10. I believe that the proposed Settlement satisfies all criteria for preliminary approval.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 31, 2014, pursuant to the laws of California and the United States of America.



Carrie Couser